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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/867,697	05/31/2001	Kang-hun Lee	1293.1202	6206
21171	7590	07/28/2004	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			NGUYEN, KIMBERLY D	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/867,697	Applicant(s) LEE ET AL.	
	Examiner Kimberly D. Nguyen	Art Unit 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3-7 and 9-34 is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Amendment

1. Acknowledgement is made of Amendment After Final Rejection filed 26 March 2004.

Claim Objections

2. Claims 9, 20 are objected to because of the following informalities:

Re claim 9, line 4: Substitute "the message" with "a message".

Re claim 20, line 6: Substitute "the message" with "a message".

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamashina (JP10-138667) in view of Moreno (US 4,007,355).

Re claims 1-2: Yamashina teaches a trading card 1 communicating with recording and/or reproducing units (fig. 10) to receive messages from a subject printed on the trading card, the trading card comprising:

a data storage unit 2 storing subject-related data of the subject printed on the trading card, wherein the data storage unit reproduces and transmits the subject-related data to the recording and/or reproducing units (fig. 10) in the form of an optical or radio signal to simultaneously

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reproduce the subject-related data of the subject printed on the trading card in the recording and/or reproducing units (abstract; figs. 1-11; paragraphs 9, 13-16, 50-57).

Although, Yamashina teaches the data storage unit receives a command from the recording and/or reproducing units to reproduce/display image information (see paragraph 56). Yamashina fails to teach or fairly suggest that the recording and/or reproducing units record the subject-related data stored in the recording and/or reproducing units onto the trading card.

Moreno teaches a recording and/or reproducing units (i.e., the data recording device) record/writing (i.e., means for recording the data contents of the memory in the portable electronic device which is coupled with the said reading means; see col. 2, lines 5-7) the subject-related data stored in the recording and/or reproducing units onto the trading/payment card (col. 1, line 68 through col. 2, line 6; col. 3, lines 40-68; col. 10, line 60 through col. 11, line 35).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the recording/writing functionality into the smart card/reader system in order to provide up-to-data to the trading/payment card.

2. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamashina in view of Raasch et al. (US 5,956,877; hereinafter "Raasch").

Yamashina teaches a system, comprising subject-related data stored in the trading cards, and transmitting the subject-related data, wherein the subject-related data comprises moving pictures; and a recording and/or reproducing apparatus receiving the subject-related data and processing to reproduce the moving pictures via a display unit (abstract; figs. 1-11; paragraphs 50-57).

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Yamashina fails to teach or fairly suggest the moving pictures arranged in a sequence using serial numbers, and sequentially reproduce the moving pictures via a display unit.

Raasch teaches a continuous strip of frame images are arranged in related sequence by using security indicia, serial number, limited edition number, or combinations thereof (col. 4, lines 14-39; and col. 12, lines 51-58).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate moving pictures arranged in sequence using serial number as taught by Raasch to the teachings of Yamashina in order to keep track of the pictures/images by their serial numbers to further provide a capability to display a desired picture/image instantly by its serial number or to sequentially display the pictures/images on the display unit.

Allowable Subject Matter

3. Claims 3-7 and 9-34 are allowed.
4. The following is an examiner's statement of reasons for allowance:

The record of prior art fails to teach a trading card communicating with a recording and/or reproducing unit to receive messages from a subject printed on the card, the trading card including a data storage unit receiving a recording command from the recording and/or reproducing unit to record and store the subject-related data stored in the recording and/or reproducing unit from the subject; and a housing unit containing and protecting the data storage unit, wherein the housing unit comprises a serial number identifying the trading card, and the messages are based on recorded user-related information and are built by implementing the user-related data into the subject-related data.

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Yamashina teaches a trading card communicating with recording and/or reproducing units to receive messages from a subject printed on the trading card, the trading card comprising a data storage unit storing subject-related data of the subject printed on the trading card, wherein the data storage unit reproduces and transmits the subject-related data to the recording and/or reproducing units in the form of an optical or radio signal to simultaneously reproduce the subject-related data of the subject printed on the trading card in the recording and/or reproducing units.

Moreno teaches a recording and/or reproducing units record/writing the subject-related data stored in the recording and/or reproducing units onto the trading/payment card.

Pace teaches a trading card system having a floppy disk, wherein the housing has a unique serial number to identify the floppy disk.

However, Yamashina, Moreno, and Pace, taken alone or in combination thereof, fails to specifically teach a trading card having a housing unit containing and protecting the data storage unit, wherein the housing unit comprises a serial number identifying the trading card, and the messages are based on recorded user-related information and are built by implementing the user-related data into the subject-related data.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D. Nguyen whose telephone number is 571-272-2402. The examiner can normally be reached on Monday-Friday 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



KDN
20 July 2004



**THIEN M. LE
PRIMARY EXAMINER**